

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF ILLINOIS

SAROYA ROBERSON, CHRISTA HAMMOND,
TONIKA SMITH, DAPHNE WILLIAMS,
IDELLA HILL, OLABISI BODUNDE,
VICTORIA BREWER, ALYSSA BENDERSKY,
FELECIA WILLIAMS, ATTLA DUPREE, and
JAMEEA BOYKIN, individually, and on behalf of
all others similarly situated,

Plaintiffs,

v.

MAESTRO CONSULTING SERVICES LLC,
INDIVIDUALLY AND D/B/A SYMPHONY
POST ACUTE NETWORK; SYMPHONY
SYCAMORE LLC; SYMPHONY
HEALTHCARE LLC; SYMPHONY M.L. LLC;
SYMPHONY MONARCH HOLDINGS, LLC;
SYMPHONY HMG, LLC, SYMPHONY
CRESTWOOD, LLC, SYMPHONY
DEERBROOK, LLC, SYMPHONY
COUNTRYSIDE, LLC, SYMPHONY
BEVERLY, LLC, SYMPHONYBRONZEVILLE
PARK, LLC, SYMCARE HMG, LLC,
SYMPHONY JACKSON SQUARE, LLC,
SYMPHONY OF EVANSTON HEALTHCARE,
LLC, SYMPHONY LINCOLN PARK, LLC,
SYMPHONY MIDWAY, LLC, SYMPHONY
PARK SOUTH, LLC, SYMPHONY SOUTH
SHORE, LLC, MONROE CORP., CALIFORNIA
GARDENS CORP.; SYMPHONY OF
CALIFORNIA GARDENS, LLC; and DOE
DEFENDANTS 1-100,

Defendants.

Case No. 3:20-cv-00895

**DEFENDANTS' COMBINED RULE 12(b)(1) AND RULE 12(b)(6)
MOTION TO DISMISS**

Defendants Maestro Consulting Services LLC, Symphony Sycamore LLC, Symphony Healthcare LLC, Symphony M.L. LLC, Symphony HMG, LLC, Symphony Crestwood, LLC,

Symphony Deerbrook, LLC, Symphony Countryside, LLC, Symphony Beverly, LLC, Symphony Bronzeville Park, LLC, Symcare HMG, LLC, Symphony Jackson Square, LLC, Symphony of Evanston Healthcare, LLC, Symphony Lincoln Park, LLC, Symphony Midway, LLC, Symphony Park South, LLC, Symphony South Shore, LLC, Monroe Corporation, California Gardens Corporation, and Symphony of California Gardens, LLC (collectively, the “Defendants”) hereby request dismissal of the Amended Complaint on the follows grounds:

1. Defendants seek dismissal of certain Plaintiffs’ claims under Rule 12(b)(1)—specifically, the claims of Christa Hammond, Tonika Smith, Daphne Williams, Idella Hill, Victoria Brewer, Alyssa Bendersky, Felecia Williams, Attla Dupree, and Jameea Boykin—because they are preempted by the LMRA. (*See* Defs.’ Br., Argument Section I)
2. Defendants seek dismissal of the Consenting Plaintiffs’ claims under Rule 12(b)(6)—specifically, the claims of Tonika Smith, Daphne Williams, Olabisi Bondunde, Victoria Brewer, and Alyssa Bendersky—because each signed a valid BIPA consent form—which is central to their claim—establishing that they cannot maintain a BIPA claim. (*See* Defs.’ Br, Argument Section II)
3. Defendants seek dismissal of all Plaintiffs’ claims under Rule 12(b)(b) because the Complaint contravenes Rule 8 by impermissibly lumping all Defendants together as to virtually all substantive allegations and otherwise fails to allege what each particular Defendant did to allegedly sustain liability as to each Plaintiff. (*See* Defs.’ Br., Argument Section III).
4. Defendants seek dismissal of all Plaintiffs because their claims for statutory damages are barred by the exclusivity provisions of the Illinois Workers’ Compensation Act. (*See* Defs.’ Br., Argument Section IV).

* * *

WHEREFORE, Defendants request, for the reasons set forth more fully in their accompanying memorandum, the the Court enter an Order dismissing Plaintiffs' claims on the bases asserted above.

DATED: September 23, 2020

Respectfully submitted,

SEYFARTH SHAW LLP

By: /s/ Joseph A. Donado

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I, Joseph A. Donado, an attorney, do hereby certify that I have caused a true and correct copy of the foregoing **DEFENDANTS' COMBINED RULE 12(B)(1) AND RULE 12(B)(6) MOTION TO DISMISS**, to be served upon all counsel of record through the Court's electronic notification system:

/s/ Joseph A. Donado